

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

JACOB DANIEL BOSTON : Bankruptcy Case No. 19-10663-TPA
NICHOLE MARIE BOSTON : Chapter 13
Debtor(s) :

PLAN CONFIRMATION ORDER

A It is hereby **ORDERED** that with the consent of the Debtor(s), the Chapter 13 Plan dated March 24, 2021, except as modified herein as checked below, is **CONFIRMED** in accord with 11 USC 1325. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court. Confirmation of this Plan pursuant to this Order is without prejudice to reconsideration following a status conference held by the Chapter 13 Trustee to gauge the progress of Plan implementation which *Status Conference* is scheduled for *N/A remotely by the Trustee via Zoom, how to participate: goto www.ch13pitt.com, meetings@chapter13trusteewdpa.com*, (which may, upon agreement of the Parties, be continued from time to time *provided however* that following the 3rd continuance, the matter shall be set for hearing before the Court), following which time the Plan may be modified to the satisfaction of all Parties after notice and hearing before the Court, or the status conference may be marked closed by the Chapter 13 Trustee.

1. For the remainder of the Plan term, the periodic Plan payment is to be \$_____ as of _____. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.

2. The length of the Plan is increased to a total of 48 months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.

3. _____ shall be paid monthly payments of \$_____ beginning with the Trustee's _____ distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.

4. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
Claimant: Branch Banking & Trust Claim #: 1 as paid in full

5. Additional Terms: Wells Fargo (Claim No. 6): No further payments due to surrender; prior payments proper and are ratified.

6. The Confirmation Order dated March 19, 2020, Doc. 54 is **VACATED**.

B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

1. Objections to the Plan: This Order is effective as of the date indicated below. Pursuant to Fed.R.Bankr.P. 2002(b)(3), any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this Confirmed Plan. The Trustee may only disburse funds pursuant to this Confirmation Order upon expiration of the foregoing twenty-eight (28) day period.

2. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

3. Review of Claims Docket and Objections to Claims. Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely..

4. Motions or Complaints Pursuant to §§506, 507, or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

5. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

C IT IS FURTHER ORDERED THAT:

1. Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.

2. Following payment of allowed secured and priority claims, the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

3. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

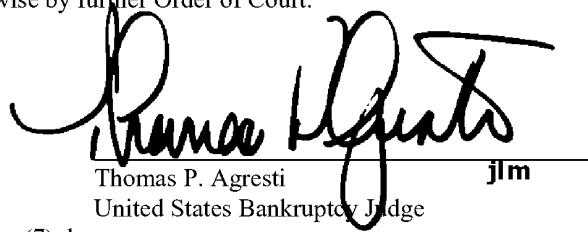
4. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

5. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

6. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

7. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

8. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti
United States Bankruptcy Judge
jlm

Dated: May 20, 2021
(Effective Date)

cc: All Parties in interest to be served by Clerk in seven (7) days

In re:
Jacob Daniel Boston
Nichole Marie Boston
Debtors

Case No. 19-10663-TPA
Chapter 13

District/off: 0315-1
Date Rcvd: May 20, 2021

User: jmar
Form ID: pdf900

Page 1 of 3
Total Noticed: 38

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|---|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
| ## | Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable. |

CERTIFICATE OF NOTICE

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 22, 2021:

| Recip ID | Recipient Name and Address |
|----------|--|
| db/jdb | + Jacob Daniel Boston, Nichole Marie Boston, 14 Beckett Park, Warren, PA 16365-4606 |
| 15092531 | + Allegheny Health Network, PO Box 645266, Pittsburgh, PA 15264-5250 |
| 15092533 | + Aris, PO Box 72078, Cleveland, OH 44192-0002 |
| 15079574 | + Bank Of America, N.A., 4909 Savarese Circle, Tampa, FL 33634-2413 |
| 15092534 | + Cleveland Clinic, 9500 Euclid Avenue, Cleveland, OH 44195-0002 |
| 15079579 | + Community Bank Na, 45-49 Court Street, Canton, NY 13617-1179 |
| 15079581 | + Federal Loan Servicing, Po Box 60610, Harrisburg, PA 17106-0610 |
| 15108194 | + M&T Bank, PO Box 1508, Buffalo, N.Y. 14240-1508 |
| 15079585 | + Mfgrs & Traders Trust, Po Box 7678, Buffalo, NY 14240 |
| 15120474 | + NFG #2 Federal Credit Union, 1303 Pennsylvania Avenue, West, Warren, PA 16365-1921 |
| 15079586 | + Nfg#2 Federal Credit Union, Po Box 728, Warren, PA 16365-0728 |
| 15092535 | + Receivables Outsourcing LLC, PO Box 62850, Baltimore, MD 21264-2850 |
| 15128400 | + U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184, Harrisburg, PA 17106-9184 |
| 15092536 | + Warren General Hospital, 2 Crescent Park West, PO Box 68, Warren, PA 16365-0068 |
| 15092537 | + Warren General Hospital Anesthesia, 2 Crescent Park West, Warren, PA 16365-2199 |
| 15112660 | + Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000, Raleigh, NC 27605-1000 |
| 15079592 | + Wells Fargo Dealer Services, Po Box 10709, Raleigh, NC 27605-0709 |

TOTAL: 17

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address | Date/Time | Recipient Name and Address |
|----------|---|----------------------|---|
| cr | + Email/PDF: rmsscedi@recoverycorp.com | May 21 2021 02:03:50 | PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021 |
| 15079575 | Email/Text: bankruptcy@bbandt.com | May 21 2021 02:24:00 | BB & T, Credit Card Disputes, PO Box 1847, Wilson, NC 27894 |
| 15083702 | Email/Text: bankruptcy@bbandt.com | May 21 2021 02:24:00 | BB&T Bankruptcy, P.O. Box 1847, Wilson, NC 27894 |
| 15079576 | + Email/PDF: AIS.cocard.ebn@americaninfosource.com | May 21 2021 02:01:58 | Capital One / Maurices, Po Box 30258, Salt Lake City, UT 84130-0258 |
| 15079577 | + Email/PDF: Citi.BNC.Correspondence@citi.com | May 21 2021 02:05:44 | Citicards Cbna, Po Box 6217, Sioux Falls, SD 57117-6217 |
| 15079578 | + Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM | May 21 2021 02:24:00 | Comenity Bank / Kays, 3100 Easton Square Plaza, Columbus, OH 43219-6232 |
| 15377154 | + Email/Text: ebnnotifications@creditacceptance.com | May 21 2021 02:24:00 | Credit Acceptance, 25505 W Twelve Mile Rd, Suite 3000, Southfield MI 48034-8331 |
| 15079580 | Email/Text: mrdiscen@discover.com | May 21 2021 02:24:00 | Discover Financial Services LLC, Po Box 15316, Wilmington, DE 19850 |

District/off: 0315-1

User: jmar

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Date Rcvd: May 20, 2021

Form ID: pdf900

Total Noticed: 38

| | | | |
|----------|--|----------------------|--|
| 15084681 | Email/Text: mrdiscen@discover.com | May 21 2021 02:24:00 | Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025 |
| 15079582 | Email/PDF: ais.chase.ebn@americaninfosource.com | May 21 2021 02:01:57 | JPMorgan Chase Bank Card, Po Box 15298, Wilmington, DE 19850 |
| 15079583 | + Email/Text: BKRMailOPS@weltman.com | May 21 2021 02:24:00 | Kay Jewelers, 375 Ghent Road, Fairlawn, OH 44333-4600 |
| 15116847 | Email/PDF: resurgentbknotifications@resurgent.com | May 21 2021 02:03:51 | LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587 |
| 15079584 | + Email/Text: bk@lendingclub.com | May 21 2021 02:25:00 | Lending Club Corporation, 71 Stevenson Street, Suite 300, San Francisco, CA 94105-2985 |
| 15117719 | Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com | May 21 2021 02:05:44 | Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541 |
| 15079587 | + Email/Text: bankruptcyteam@quickenloans.com | May 21 2021 02:25:00 | Quicken Loans, 1050 Woodward Avenue, Detroit, MI 48226-3573 |
| 15095647 | + Email/Text: bankruptcyteam@quickenloans.com | May 21 2021 02:25:00 | Quicken Loans Inc., 635 Woodward Avenue, Detroit, MI 48226-3408 |
| 15079588 | + Email/PDF: gecsed@recoverycorp.com | May 21 2021 02:03:47 | Synch / Lowes, Po Box 965005, Orlando, FL 32896-5005 |
| 15079589 | + Email/PDF: gecsed@recoverycorp.com | May 21 2021 02:03:47 | Synch / Network, Po Box 965036, Orlando, FL 32896-5036 |
| 15079590 | + Email/PDF: gecsed@recoverycorp.com | May 21 2021 02:03:47 | Synch / Old Navy DC, Po Box 965005, Orlando, FL 32896-5005 |
| 15079591 | + Email/PDF: gecsed@recoverycorp.com | May 21 2021 02:03:47 | Synch / Walmart, Po Box 965024, Orlando, FL 32896-5024 |
| 15080406 | + Email/PDF: gecsed@recoverycorp.com | May 21 2021 02:03:47 | Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021 |

TOTAL: 21

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

| Recip ID | Bypass Reason | Name and Address |
|----------|---------------|---|
| cr | | Quicken Loans Inc. |
| 15092532 | ##+ | Allied Interstate, PO Box 361445, Columbus, OH 43236-1445 |

TOTAL: 1 Undeliverable, 0 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 22, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 20, 2021 at the address(es) listed below:

| Name | Email Address |
|-------------------------------------|--|
| Brian Nicholas | on behalf of Creditor Quicken Loans Inc. bnicholas@kmllawgroup.com |
| Daniel P. Foster | on behalf of Joint Debtor Nichole Marie Boston dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com |
| Daniel P. Foster | on behalf of Debtor Jacob Daniel Boston dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com |
| Office of the United States Trustee | ustpregion03.pi.ecf@usdoj.gov |
| Ronda J. Winnecour | cmeclf@chapter13trusteewdpa.com |

TOTAL: 5